

MINUTES JANUARY 4th, 2021 WORK SESSION

START: 6:20 PM

PRESENT: MAYOR NICOL, COUNCILMEN GARRUZZO, GIANFORTE, GORHAM, NOLAN, SHAAK & VISCEGLIA, ATTORNEY MONTENEGRO & ADMINISTRATOR NOLAN.

ABSENT: NONE

Mayor Nicol announced that this meeting was being held virtually and was being recorded. The Administrator having no formal report, the work session was adjourned at 6:21pm on a motion by Councilman Shaak, seconded by Councilman Nolan. The Governing Body began the regular meeting.

Mayor Nicol read the compliance statement and the Regular Council Meeting was opened, after a pledge of allegiance to our flag. Mayor Nicol asked for a roll call.

Mayor Nicol then asked for a motion to approve the Minutes of the December 14th, 2020 *Sine Die* Meeting. A motion was made by Councilman Gianforte seconded by Councilman Visceglia, all aye, no nays. Passed.

Councilman Garruzzo seconded by Councilman Gianforte, introduced Resolution 21-22 for Passage of the Consent Agenda.

Resolution:

- A. (see insertion)
- B. (see insertion)
- C. (see insertion)
- D. (see insertion)
- E. (see insertion)
- F. (see insertion)
- G. (see insertion)
- H. To renew the current agreement with the Brielle library association for the provision of library services
- I. To authorize the retainage of B&B Valuation Services for tax appeals on a “as needed” basis.
- J. To authorize the Administrator to issue Food Handler Permits and all non-statutory licenses for calendar 2020.
- K. To renew the shared service custodial agreement with the Brielle Elementary School.
- L. (see insertion)

Vote: Councilmen Garruzzo, Gianforte, Gorham, Nolan, Shaak & Visceglia; all aye, No

nays. Passed

Councilman Visceglia seconded by Councilman Gorham, introduced Resolution 21-21 for Payment of Bills. Be It Resolved that the following bills be paid, and that the Mayor or President of Council be authorized to draw orders on the Chief Finance Officer for payment of the bills of January 4th, 2021, as reviewed by the Finance Committee and as listed on the Resolution and the Computer Bill List amended thereto. Vote: Councilman Garruzzo, Gorham, Nolan & Visceglia; all aye, Passed

Mayor Nicol announced that the time had arrived for the introduction and passage on first reading of “AN ORDINANCE TO AMEND CHAPTER FOUR OF THE CODE OF THE BOROUGH OF BRIELLE ENTITLED “LICENSING”.

Councilman Garruzzo seconded by Councilman Visceglia introduced Resolution 21-22 for passage on introduction and first reading. Vote: Councilmen Garruzzo, Gianforte, Gorham, Nolan. Shaak & Visceglia; all aye, No nays. Passed.

Councilman Garruzzo, seconded by Councilman Nolan, introduced Resolution 21-23 to authorize publication in the Coast Star for a hearing to be held by virtual means on January 19th, 2020 @ 6:00pm. Vote: Councilmen Garruzzo, Gianforte, Gorham, Nolan, Shaak & Visceglia; all aye, No nays. Passed.

Mayor Nicol announced that the time had arrived for the introduction and passage on first reading of ‘AN ORDINANCE TO AMEND CHAPTER NINE OF THE CODE OF THE BOROUGH OF BRIELLE ENTITLED “BUILDING & HOUSING”.

Councilman Garruzzo seconded by Councilman Nolan introduced Resolution 21-24 for passage on introduction and first reading. Vote: Councilmen Garruzzo, Gianforte, Gorham, Nolan, Shaak & Visceglia; all aye, No nays. Passed.

Councilman Garruzzo, seconded by Councilman Gorham, introduced Resolution 21-25 to authorize publication in the Coast Star for a hearing to be held by virtual means on January 19th, 2021@ 6:00pm. Vote: Councilman Garruzzo, Gianforte, Gorham, Nolan, Shaak & Visceglia; all aye, No nays. Passed.

Mayor Nicol then called for committee reports and recognized Councilman Gianforte who had no report but wished everyone a Happy New Year.

Councilman Nolan advised that the Library had utilized the holidays to install a new floor in the Children’s Room. They also received six new tablets from Monmouth County, but the computer system, over ten years old, was in need of an upgrade. The Library would

also launch a new website this month. In closing Councilman Nolan extended his wishes for a Happy New Year.

No other members of Council had reports, but they all joined to wish their colleagues, employees, residents, and friends a Happy Healthy New Year. As Councilman Garruzzo observed “it had to be better than this year”.

Prior to opening the public portion, the Administrator announced that there had been no public comments received either by mail or e-mail prior to the 3:00pm deadline established for the receipt of same. The public portion was closed on a motion by Councilman Garruzzo, seconded by Councilman Visceglia.

The meeting was adjourned at 6:25 pm on a motion by Councilman Shaak, seconded by Councilman Visceglia.

Approved: January 19th, 2021

Thomas F. Nolan
Municipal Clerk

Resolution No: 21-22-A
Date: January 4th, 2021

RESOLUTION OF THE GOVERNING BODY OF THE BOROUGH OF BRIELLE
AWARDING A PROFESSIONAL CONTRACT

WHEREAS, the above entity has been formed pursuant to the applicable New Jersey Statutes; and

WHEREAS, in order to fulfill its statutory duties, it is necessary that the Borough of Brielle retain the services of a Borough Attorney; and

WHEREAS, the Borough of Brielle has retained the services of the firm of Montenegro, Thompson, Montenegro & Genz, inasmuch as they are competent to fulfill the needs of the Borough of Brielle; and

WHEREAS, the Borough of Brielle wishes to establish the rate of compensation for and to be paid to said professional.

NOW, THEREFORE, be it resolved that as of this 4th day of January 2021, that:

1. Nicholas C. Montenegro of the firm of Montenegro, Thompson, Montenegro & Genz is hereby retain by the Borough of Brielle as the Municipal Attorney for the fiscal year 2021 to perform to the terms of the Agreement between the Municipal Attorney and the Borough of Brielle.
2. This Contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-51(a)(i) of the Local Public Contracts Law because same involves the retaining of professional services.
3. The Chief Administrative Officer has made a determination that, in accordance with the provisions of the non-fair and open process the value of the contract is determined to exceed the \$17,500.00 threshold. The estimates value of this annual contract is \$150,000.00.
4. This contract is being awarded under the non-fair and open contract provisions of N.J.S.A. 19:44A-20.5.
5. The contractor is required to file a Business Entity Disclosure Certificate with the Borough of Brielle and a Political Contribution Disclosure Form.
6. Funds for payment of this contract have been provided for in the 2021 Temporary Budget and shall be included in the 2021 Municipal Budget.

7. The Borough of Brielle Clerk shall cause the attached Notice to be published in the Coast Star in compliance with the provisions of N.J.S.A.40A:11-5(l)(a) and (i) and N.J.S.A. 19:44A-20.5,

Certification

The foregoing is a true copy of a resolution passed by the Brielle Mayor & Council at a meeting held on January 4th, 2021.

Witness my hand and seal of the Borough of Brielle this 5th day of January 2021.

Thomas F. Nolan
Municipal Clerk

Resolution No: 21-22-B
Date: January 4th, 2021

RESOLUTION OF THE GOVERNING BODY OF THE BOROUGH OF BRIELLE
AWARDING A PROFESSIONAL CONTRACT

WHEREAS, the above entity has been formed pursuant to the applicable New Jersey Statutes; and
WHEREAS, in order to fulfill its statutory duties, it is necessary that the Borough of Brielle retain the services of a Municipal Engineer; and
WHEREAS, the Borough of Brielle has retained the services of Alan P. Hilla, Jr. of H2M Water inasmuch as they are competent to fulfill the needs of the Borough of Brielle; and
WHEREAS, the Borough of Brielle wishes to establish the rate of compensation for and to be paid to said professional.

NOW, THEREFORE, be it resolved that as of this 4th day of January 2021, that:

1. Alan P. Hilla, Jr. & H2M Water is hereby retained by the Borough of Brielle as its Municipal Engineer for the fiscal year 2021 to perform to the terms of the Agreement between the Municipal Engineer and the Borough of Brielle.
2. This Contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-51(a)(i) of the Local Public Contracts Law because same involves the retaining of professional services.
3. The Chief Administrative Officer has made a determination that, in accordance with the provisions of the non-fair and open process the value of this contract is determined not to exceed the \$17,500 threshold. The estimates value of this annual contract is \$70,000.00.
4. This contract is being awarded under the non-fair and open contract provisions of N.J.S.A.19:44A-20.5.
5. The contractor is required to file a Business Entity Disclosure Certification with the Borough of Brielle.
6. Funds for the payment of this contract have been provided for in the 2021 Temporary Budget and shall be included in the 2021 Municipal Budget.
7. The Borough of Brielle Clerk shall cause the attached Notice to be published in the Coast Star in compliance with the provisions of N.J.S.A. 40A:11-51(a)(i) and N.J.S.A.19:44-20.5.

Certification

The foregoing is a true copy of a resolution passed by the Brielle Mayor & Council at a meeting held on January 4th, 2021.

Witness my hand and seal of the Borough of Brielle this 5th day of January 2021.

Thomas F. Nolan
Municipal Clerk

Resolution No: 21-22-C
Date: January 4th, 2021

RESOLUTION OF THE GOVERNING BODY OF THE BOROUGH OF BRIELLE
AWARDING A PROFESSIONAL CONTRACT

WHEREAS, the above entity has been formed pursuant to the applicable New Jersey Statutes; and

WHEREAS, in order to fulfill its statutory duties, it is necessary that the Borough of Brielle retain the services of an Auditor; and

WHEREAS, the Borough of Brielle has retained the services of Robert A. Hulsart inasmuch as he is competent to fulfill the needs of the Borough of Brielle; and

WHEREAS, the Borough of Brielle wishes to establish the rate of compensation for and to be paid to said professional.

NOW, THEREFORE, be it resolved that as of this 4th day of January 2021, that:

1. Robert A. Hulsart is hereby retained by the Borough of Brielle as its Auditor for the calendar year 2021 to perform to the terms of the Agreement between the Auditor and the Borough of Brielle.
2. This Contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-51(a)(i) of the Local Public Contracts Law because same involves the retaining of professional services.
3. The Chief Administrative Officer has made a determination that, in accordance with the provisions of the non-fair and open process the value of this contract is determined to exceed the \$17,500.00 threshold. The estimates value of this annual contract is \$40,000.00.
4. This contract is being awarded under the non-fair and open contract provisions of N.J.S.A. 19:44A-20.5.
5. The Contractor is required to file a Business Entity Disclosure Certification and a Political Contribution Disclosure Form with the Borough of Brielle.
6. Funds for payment of this contract have been provided for in the 2021 Temporary Budget and shall be included in the 2021 Municipal Budget.
7. The Borough of Brielle Clerk shall cause the attached Notice to be published in the Coast Star in compliance with the provisions of N.J.S.A.40A:11-51(a)(i) and the provisions of N.J.S.A. 19:44A-20 .5.

Certification

The foregoing is a true copy of a resolution passed by the Brielle Mayor & Council at a meeting held on January 4th, 2021.

Witness my hand and seal of the Borough of Brielle this 5th day of January 2021.

Thomas F. Nolan
Municipal Clerk

Resolution No: 21-22-D
Date: January 4th, 2021

BOROUGH OF BRIELLE
MONMOUTH COUNTY
NEW JERSEY

Resolution authorizing the award of a contract for professional services in connection with the financing of capital improvements in accordance with the attached agreement (contract awarded without competitive bidding pursuant to the local public contracts law, N.J.S.A. 40A:11-1 et seq.), authorized by the Borough of Brielle, County of Monmouth, New Jersey.

WHEREAS, there exists a need for specialized legal services in connection with the authorization and the issuance of bonds and other obligations and other matters relating to capital financing by the Borough of Brielle, County of Monmouth, New Jersey (herein the "Borough"); and

WHEREAS, such specialized legal services can be provided only by a recognized Bond Counsel firm, and the law firm of GluckWalrath, LLP Red Bank, New Jersey, are so recognized by the financial community; and

WHEREAS, the services to be performed are "professional services" as defined in the Local Public Contracts Law, N.J.S.A.40A:11-2(6), and therefore are excepted from the Local Public Contracts Law requirements for competitive bidding, pursuant to N.J.S.A.40A:11-51(a)(i); and

WHEREAS, the Local Public Contracts Law, N.J.S.A.40A:11-51(a)(i), requires the public advertisement of notice with respect to contracts for professional services awarded without competitive bids; and

WHEREAS, funds are or will be available for this purpose.

NOW, THEREFORE, be it resolved By the Borough Counsel of the Borough of Brielle, in the County of Monmouth, New Jersey as follows:

1. That the Borough Counsel hereby appoints the firm of GluckWalrath, LLP, Attorneys at Law, Red Bank, New Jersey, to serve as Bond Counsel to the Borough in connection with the financing of capital projects, and awards the contract which is annexed hereto and made a part hereof (the "Contract"), in accordance with N.J.S.A. 40A:11-1 et seq.
2. That the Mayor or other appropriate official of the Borough, on behalf of the Borough, is hereby authorized and directed to execute the Contract and the Clerk is

hereby authorized and directed to attest to the execution of said Contract for professional services in connection with the preparation of all bond ordinances and the authorization and issuance of all bonds, bond anticipation notes, tax anticipation notes or similar obligations and related matters of capital and debt financing by the Borough.

3. That no appropriation of funds is required at this time, payment coming from the proceeds of the sale of bonds, bond anticipation notes and tax anticipation notes or similar obligations or from capital authorizations or other appropriate budgeted items in accordance with the attached Contract.
4. That this Contract is awarded without competitive bidding as a professional service under the provisions of the Local Public Contracts Law, N.J.S.A.40A:11-51(a)(i), because legal services are a recognized profession licensed and regulated by law.
5. That a notice in accordance with this resolution and the Local Public Contracts Law shall be published in the official newspaper or newspapers of the Borough.
6. That an executed copy of the Contract and a copy of this resolution shall be filed in the Office of the Clerk and be available there for public inspection in accordance with law.
7. That this resolution shall take effect immediately.

The estimates value of this annual contract is \$10,000.00.

Certification

The foregoing is a true copy of a resolution passed by the Brielle Mayor & Council at a meeting held on January 4th, 2021.

Witness my hand and seal of the Borough of Brielle this 5th day of January 2021.

Thomas F. Nolan
Municipal Clerk

Resolution No: 21-22-E
Date: January 4th, 2021

RESOLUTION OF THE GOVERNING BODY OF THE BOROUGH OF BRIELLE
AWARDING A PROFESSIONAL CONTRACT

WHEREAS, the above entity has been formed pursuant to the applicable New Jersey Statutes; and

WHEREAS, in order to fulfill its statutory duties, it is necessary that the Borough of Brielle retain the services of a Labor Attorney; and

WHEREAS, the Borough of Brielle has retained the services of James W. Holzapfel and the firm of Citta, Holzapfel & Zabarsky, inasmuch as he is competent to fulfill the needs of the Borough of Brielle; and

WHEREAS, the Borough of Brielle wishes to establish the rate of compensation for and to be paid to said professional.

NOW, THEREFORE, be it resolved that as of this 4th day of January 2021, that:

1. James W. Holzapfel and the firm of Citta, Holzapfel & Zabarsky, is hereby retained by the Borough of Brielle as its Labor Attorney for calendar year 2021 to perform to the terms of the Agreement between the Labor Attorney and the Borough of Brielle.
2. This Contract is awarded without competitive bidding as a "Professional Service" in accordance with 40A:11-51(a)(i) of the Local Public Contracts Law because same involves the retaining of professional services.
3. The Chief Administrative Officer has made a determination that, in accordance with the provisions of the non-fair and open process the value of this contract is determined not to exceed the \$17,500.00 threshold. The estimates value of this annual contract is \$2,000.00 .
4. This contract is not subject to the provisions of N.J.S.A. 19:44A-20.5.
5. Funds for payment of this contract have been provided for in the 2021 Temporary Budget and shall be included in the 2021 Municipal Budget.
6. The Borough of Brielle Clerk shall cause the attached Notice to be published in the Coast Star.

Certification

The foregoing is a true copy of a resolution passed by the Brielle Mayor & Council at a meeting held on January 4th, 2021.

Witness my hand and seal of the Borough of Brielle this 5th day of January 2021.

Thomas F. Nolan
Municipal Clerk

Resolution No: 21-22-F
Date: January 4th, 2021

RESOLUTION OF THE GOVERNING BODY OF THE BOROUGH OF BRIELLE
AWARDING A PROFESSIONAL CONTRACT

WHEREAS, the above entity has been formed pursuant to the applicable New Jersey Statutes; and

WHEREAS, in order to fulfill its statutory duties, it is necessary that the Borough of Brielle retain the services of a Municipal Prosecutor; and

WHEREAS, the Borough of Brielle has retained the services of James W. Holzapfel and the firm of Citta, Holzapfel & Zabarsky, in as much as he is competent to fulfill the needs of the Borough of Brielle; and

WHEREAS, the Borough of Brielle wishes to establish the rate of compensation for and to be paid to said professional.

NOW, THEREFORE, be it resolved that as of this 4th day of January 2021, that:

1. James W. Holzapfel and the firm of Citta, Holzapfel & Zabarsky, is hereby retained by the Borough of Brielle as its Municipal Prosecutor for calendar year 2021 to perform to the terms of the Agreement between the Municipal Prosecutor and the Borough of Brielle.
2. This Contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-51(a)(i) of the Local Public Contracts Law because same involves the retaining of professional services.
3. The Chief Administrative Officer has made a determination that, in accordance with the provisions of the non-fair and open process the value of this contract is determined not to exceed the \$17,500.00 threshold. The estimates value of this annual contract is \$2,000.00 .
4. This contract is not subject to the provisions of N.J.S.A. 19:44A-20.5.
5. Funds for payment of this contract have been provided for in the 2021 Temporary Budget and shall be included in the 2021 Municipal Budget.
6. The Borough of Brielle Clerk shall cause the attached Notice to be published in the Coast Star.

Certification

The foregoing is a true copy of a resolution passed by the Brielle Mayor & Council at a meeting held on January 4th, 2021.

Witness my hand and seal of the Borough of Brielle this 5th day of January 2021.

Thomas F. Nolan
Municipal Clerk

Resolution No: 21-22-G
Date: January 4th, 2021

RESOLUTION OF THE GOVERNING BODY OF THE BOROUGH OF BRIELLE
AWARDING A PROFESSIONAL CONTRACT

WHEREAS, the above entity has been formed pursuant to the applicable New Jersey Statutes; and
WHEREAS, in order to fulfill its statutory duties, it is necessary that the Borough of Brielle retain the services of a Public Defender; and
WHEREAS, the Borough of Brielle has retained the services of Timothy J. Wintrode, Esq. inasmuch as he is competent to fulfill the needs of the Borough of Brielle; and
WHEREAS, the Borough of Brielle wishes to establish the rate of compensation for and to be paid to said professional.

NOW, THEREFORE, be it resolved that as of this 4th day of January 2021, that:

1. Timothy J. Wintrode, Esq., is hereby retained by the Borough of Brielle as its Public Defender for the calendar year 2021 to perform to the terms of the Agreement between the Public Defender and the Borough of Brielle.
2. This Contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-51(a)(i) of the Local Public Contracts Law because same involves the retaining of professional services.
3. The Chief Administrative Officer has made a determination that, in accordance with the provisions of the non-fair and open process the value of this contract is determined not to exceed the \$17,500.00 threshold.
4. This contract is not subject to the provisions of N.J.S.A.19:44A-20.5.
5. The Borough of Brielle Clerk shall cause the attached Notice to be published in the Coast Star.
6. Funds for payment of this contract have been provided for in the 2021 Temporary Budget and shall be included in the 2021 Municipal Budget.
7. The Borough of Brielle Clerk shall cause the attached Notice to be published in the Coast Star in compliance with the provisions of N.J.S.A.40A:11-51(a)(i) and N.J.S.A. 19:44A-20.5,

Certification

The foregoing is a true copy of a resolution passed by the Brielle Mayor & Council at a meeting held on January 4th, 2021.

Witness my hand and seal of the Borough of Brielle this 5th day of January 2021.

Thomas F. Nolan
Municipal Clerk